

JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

AUG 21 2007

FILED  
CLERK'S OFFICE**A CERTIFIED TRUE COPY**

SEP - 6 2007

**UNITED STATES JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**ATTEST  
FOR THE JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

MDL NO. 1763

C 97-3989 EMC

**IN RE Human Tissue Products Liability Litigation****(SEE ATTACHED SCHEDULE)****CONDITIONAL TRANSFER ORDER (CTO-28)****FILED**

SEP 21 2007

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

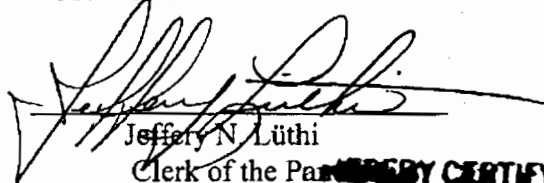
On June 21, 2006, the Panel transferred two civil actions to the United States District Court for the District of New Jersey for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. See 435 F.Supp.2d 1352 (J.P.M.L. 2006). Since that time, 174 additional actions have been transferred to the District of New Jersey. With the consent of that court, all such actions have been assigned to the Honorable William J. Martini.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the District of New Jersey and assigned to Judge Martini.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the District of New Jersey for the reasons stated in the order of June 21, 2006, and, with the consent of that court, assigned to the Honorable William J. Martini.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of New Jersey. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:



Jeffery N. Lüthi  
Clerk of the Panel

HEREBY CERTIFY that the above and foregoing is a true and correct copy of the original on file in my office

ATTEST:  
WILLIAM T. WALSH, Clerk  
United States District Court  
District of New Jersey

JOHN ICKLAN  
Deputy Clerk

Inasmuch as no objection is  
pending at this time, the  
stay is lifted.

SEP - 6 2007

CLERK'S OFFICE  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

**SCHEDULE CTO-28 - TAG-ALONG ACTIONS**  
**MDL NO. 1763**  
**IN RE Human Tissue Products Liability Litigation**

<u>DIST. DIV. C.A. #</u>	<u>CASE CAPTION</u>
CALIFORNIA CENTRAL CAC 2 07-4713	Nancy Gilchrist Johnson v. BioMedical Tissue Services, Ltd., et al.
CALIFORNIA NORTHERN CAN 3 07-3989	Fred Matheny v. Regeneration Technologies, Inc., et al.
IOWA NORTHERN IAN 3 07-3039	Sidney Bakken v. BioMedical Tissue Services, Ltd., et al.
OKLAHOMA NORTHERN OKN 4 07-423 OKN 4 07-424	Shawn L. Wolters v. Medtronic, Inc., et al. Larry Gene Johnson v. Medtronic, Inc., et al.
TENNESSEE WESTERN TNW 2 07-2474	Theresa Heidenreich Ailor v. BioMedical Tissue Services, Ltd., et al.

**INVOLVED COUNSEL LIST (CTO-28)**  
**MDL NO. 1763**  
**IN RE Human Tissue Products Liability Litigation**

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**INVOLVED CLERKS LIST (CTO-28)**  
**MDL NO. 1763**  
**IN RE Human Tissue Products Liability Litigation**

**Sherri R. Carter, Clerk**  
**G-8 U.S. Courthouse**  
**312 North Spring Street**  
**Los Angeles, CA 90012**

**Richard W. Wieking, Clerk**  
**Phillip Burton U.S. Courthouse**  
**Box 36060**  
**450 Golden Gate Avenue**  
**San Francisco, CA 94102-3489**

**James D. Hodges, Jr., Clerk**  
**301 U.S. Courthouse**  
**320 Sixth Street**  
**Sioux City, IA 51101**

**Philip B. Lombardi, Clerk**  
**411 Page Belcher Fed. Bldg. & U.S. Courthouse**  
**333 W. 4th Street**  
**Tulsa, OK 74103-3819**

**Thomas M. Gould, Clerk**  
**242 Clifford Davis Federal Building**  
**167 North Main Street**  
**Memphis, TN 38103**

**UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION**

**CHAIRMAN:**  
Judge John G. Heyburn II  
United States District Court  
Western District of Kentucky

**MEMBERS:**  
Judge D. Lowell Jensen  
United States District Court  
Northern District of California

Judge J. Frederick Motz  
United States District Court  
District of Maryland

Judge Robert L. Miller, Jr.  
United States District Court  
Northern District of Indiana

Judge Kathryn H. Vratil  
United States District Court  
District of Kansas

Judge David R. Hansen  
United States Court of Appeals  
Eighth Circuit

Judge Anthony J. Scirica  
United States Court of Appeals  
Third Circuit

**DIRECT REPLY TO:**

Jeffery N. Lüthi  
Clerk of the Panel  
One Columbus Circle, NE  
Thurgood Marshall Federal  
Judiciary Building  
Room G-253, North Lobby  
Washington, D.C. 20002

Telephone: (202) 502-2800  
Fax: (202) 502-2888  
<http://www.jpml.uscourts.gov>

September 6, 2007

William T. Walsh, Clerk  
Martin Luther King, Jr. Fed. Bldg. & U.S. Courthouse  
50 Walnut Street, 4th Floor  
Newark, NJ 07102

Re: MDL-1763 -- IN RE Human Tissue Products Liability Litigation

(See Attached CTO-28)

Dear Mr. Walsh:

I am enclosing a certified copy and one additional copy of a conditional transfer order filed by the Panel in the above-captioned matter on August 21, 2007. As stipulated in Rule 7.4(a) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), transmittal of the order has been stayed 15 days to give any party an opportunity to oppose the transfer. The 15-day period has now elapsed, no opposition was received, and the order is directed to you for filing.

The Panel's governing statute, 28 U.S.C. §1407, requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred."

A list of involved counsel is attached.

Very truly,

Jeffery N. Lüthi  
Clerk of the Panel

By Janisra Spinner  
Deputy Clerk

Attachment

cc: Transferee Judge: Judge William J. Martini  
Transferor Judges: (See Attached List of Judges)  
Transferor Clerks: (See Attached List of Clerks)

RECEIVED-CLERK  
U.S. DISTRICT COURT  
2007 SEP 10 A 11 52

William T. Walsh  
Clerk

**UNITED STATES DISTRICT COURT  
MARTIN LUTHER KING, JR.  
FEDERAL BLD & U.S. COURTHOUSE  
50 WALNUT STREET  
P.O. BOX 419  
NEWARK, N.J. 07101-0419**

(973) 645-4555

**CAMDEN OFFICE  
USPO & Courthouse  
401 Market Street  
Camden, N.J. 08101**

**TRENTON OFFICE  
402 East State Street  
P.O. Box 515  
Trenton, N.J. 08603**

**Clerk, District Court for the  
Northern District of California  
Internal Box 36060  
San Francisco, CA**

Date: September 17, 2007

**Re: MDL -1763 – Human Tissue Products Liability Litigation**

Northern District of California No. 3:07-3989

Fred Matheny v. Regeneration Technologies, Inc., et al.  
District of N.J. No. 07-4301 (WJM)

Dear Clerk:

Enclosed is a certified copy of the Order of the Judicial Panel on Multidistrict Litigation, transferring the above-entitled actions presently pending in your Court to the District of New Jersey and assigned to the Honorable William J. Martini, USDC for coordinated or consolidated pretrial proceedings pursuant to 28 USC 1407.

If your court is currently on CM/ECF Version 3.0, you can transfer the case to use via Case Extraction in Utilities. If you have any questions, please contact Ms. Charles Sanders at 973-645-4582. Please return a copy of this letter when transmitting your files and certified copies of the docket sheets.

Very truly yours,

WILLIAM T. WALSH, Clerk

By:   
John Icklan, Deputy Clerk

Enc.

cc: Jeffery N. Luthi  
Clerk, Judicial Panel on Multidistrict Litigation

**RECEIVED**

SEP 21 2007

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA